

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OLGA RESTREPO,	:	
	:	
Plaintiffs,	:	
	:	12 Civ. 04837 (LGS) (FM)
-against-	:	
	:	
CAROLYN W. COLVIN, as Commissioner	:	<u>OPINION AND ORDER</u>
of Social Security,	:	
Defendant. ¹	:	
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LORNA G. SCHOFIELD, District Judge:

Before the Court is the Report and Recommendation of Magistrate Judge Maas (“Report”), recommending that Defendant’s motion for judgment on the pleadings be granted and that Plaintiff’s cross-motion and request for attorneys’ fees be denied. For the reasons stated below, the Report is adopted in its entirety.

Plaintiff filed the Complaint in this action on June 20, 2012, seeking judicial review of a final decision of the Commissioner of Social Security denying her application for Social Security Disability Income and Supplemental Security Income. The case was referred to Magistrate Judge Maas on July 11, 2012. On March 14, 2013, Defendant moved for judgment on the pleadings under Rule 12(c) and on April 11, 2013, Plaintiff cross-moved for the same. Plaintiff also requested reasonable attorneys’ fees pursuant to the Equal Justice Act, 28 U.S.C. § 2412(d). On March 3, 2014, Judge Maas issued the Report to which no objection was filed.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The district court “may adopt those portions of the report to

¹ Pursuant to Rule 25(d) of the Federal Rules, the caption has been corrected to reflect the name of the current acting Commissioner.

which no specific, written objection is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.”

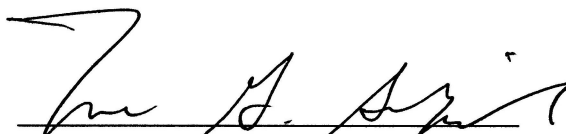
Adams v. New York State Dep’t of Educ., 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (internal quotation marks omitted) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

The factual and legal bases underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Report is ADOPTED in its entirety as the decision of the Court. Defendant’s motion for judgment on the pleadings is GRANTED and Plaintiff’s cross-motion and request for attorneys’ fees is DENIED.

The Clerk is directed to terminate the motion at Docket No. 22 and to close this case.

SO ORDERED.

Dated: September 3, 2014
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE